

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated June 16, 2005, indicated that claims 1-36 and 38-44 are rejected under 35 U.S.C. § 103(a) over Rogers *et al.* (U.S. Patent No. 6,785,379) in view of Bowman-Amuah *et al.* (U.S. Patent No. 6,332,163); and claim 37 is rejected under 35 U.S.C. § 103(a) over Rogers *et al.* in view of Bowman-Amuah *et al.* and further in view of Low (U.S. Patent No. 6,282,281).

Applicant respectfully traverses each of the Section 103(a) rejections (both relying on the modification of the '379 reference with teachings from the '163 reference) because: (i) the rejections present a combination of references that fail to be accompanied by any evidence of motivation that a skilled artisan would be led to make the combination; and (ii) the rejections presented by the Office Action undermine the purpose of the relied-upon embodiment of the '379 reference.

I. **The References Fail To Be Accompanied By Evidence Of Motivation That A Skilled Artisan Would Be Led To Make The Proposed Combination**

The Office Action erroneously alleges that the skilled artisan would somehow be led to modify the call-management system of the '379 reference by including the OOP-implemented Computer Telephone Integration (CTI) messaging system (per column 10, lines 34-44, and column 78, lines 32-36) of the '163 reference. In support of this suggestion, the Office Action alleges that OOP is old and well known and the advantages of OOP such as efficient and quick execution call control application are applicable in many systems including the system of the '379 teachings because "it would improve significantly the efficiency of the called party's interaction with customers and assist the call management system provide real time handling of incoming calls." The rejection attempts to cite evidence in support of each aspect of the claimed invention but fails to cite any aspect of the asserted references that would support this above-quoted statement of motivation. In effect, the rejection is based on the premise that an invention is unpatentable for being obvious without evidence that would support the asserted

combination of teachings. Such a proposition directly contradicts the requirements of MPEP § 2143.01 and case law requiring that the alleged motivation for combining the references is to be suggested by the references: “Our court has provided [that the] motivation to combine may be found explicitly or implicitly: 1) in the *prior art references* themselves; 2) in the knowledge of those of ordinary skill in the art that certain *references*, or disclosures in those references, are of special interest or importance in the field; or 3) from the nature of the problem to be solved, ‘leading inventors to look to *references* relating to possible solutions to that problem.’” *Ruiz v. A.B. Chance Co.*, 234 F.3 654 (Fed. Cir. 2000) (emphasis added).

Moreover, Applicant fails to recognize how combining the asserted teachings via the ‘163 messaging-oriented OOP would provide the asserted efficiency. The ‘379 reference is directed to a call management system that already “provides for the real-time management of incoming voice calls by called parties.” Column 1, lines 49-50. This call management system creates reusable “voice pathways” based upon either “user selection or VIP rule processing.” Column 2, lines 51-59. The pathways are reused repeatedly, which enables rapid switching between calls with only the click of a workstation mouse and avoids the typical operation of establishing and tearing down entire calls in order to switch between them. *Id.*

In contrast to this teaching by the ‘379 reference, the Office Action alleges that modifying the system of the ‘379 reference via the ‘163 messaging-oriented OOP would provide the asserted significant improvement of “the efficiency of the called party’s interaction with customers and assist the call management system provide real time handling of incoming calls.” However, per this asserted modification, the Office Action alleges that the improved efficiency of real time handling of incoming calls would be provided by way of modifying the ‘379 system rather than by the ‘379 call management system’s reusable “voice pathways” which are based upon user selection or VIP rule processing, as discussed above. Thus, the ‘379 reference teaches that the most efficient manner of call management for workstation computers is its reusable “voice pathways” in contrast to the unsupported statement that the alleged improved efficiency would be provided by the ‘163 messaging-oriented OOP.

The Office Action further fails to present any evidence of motivation to combine the asserted references to achieve various limitations of the dependent claims. Applicant fails to recognize any motivation for introducing the asserted teachings to the '379 reference, such as: JTAPI (claims 3 and 4), the editing of configuration information (claims 17 and 18), enterprise java beans (claim 20), determining a relationship between a call source and destination (claims 30, 31, 43, 44), and assigning a telephone number to a selected IP telephony address (claim 37). Without a presentation of evidence of motivation to combine the cited references as asserted, the Section 103(a) rejections cannot be maintained and Applicant requests that the rejections be withdrawn.

Without a presentation of evidence of motivation to combine the cited references as asserted, the Section 103(a) rejections cannot be maintained. Applicant accordingly requests that the rejections be withdrawn.

II. The Rejections Presented By The Office Action Undermine The Purpose Of The Relied-Upon Embodiment Of The '379 Reference

The proposed modification is also improper because it would frustrate the purpose and operation of the '379 teachings thereby rendering the proposed modification unmotivated and improper. The MPEP states that when a proposed modification renders the teachings being modified unsatisfactory for their intended purpose, there is no suggestion or motivation to make the proposed modification under 35 U.S.C. § 103(a). *See* MPEP § 2143.01. The Office Action's suggestion of introducing the '163 OOP functionality as implemented in the Computer Telephone Integration (CTI) messaging system to the '379 call management system would require replacing the '379 rule-based call-management system (reusable "voice pathways" via user selection or VIP rule processing) with the '163 message mapping functionality.

More specifically, the purpose of the relied-upon embodiment from the '379 reference is to provide a call-management system that is adapted to reuse "voice pathways" via user selection or VIP rule processing, and the advantage of reusing "voice pathways" via this user selection or VIP rule processing is to provide an efficiency not previously realized. Column 2, lines 51-59. To suggest that the skilled artisan would use

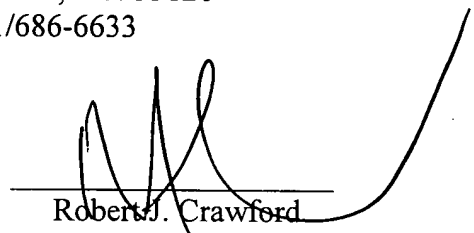
the '163 OOP messaging functionality in place of the approach taught by the '379 call-management system is untenable and would undermine the purpose and operation of the '379 reference. Thus, the proposed combination is unmotivated and Applicant requests that the Section 103(a) rejections be withdrawn.

In view of the above discussion, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

CRAWFORD MAUNU PLLC
1270 Northland Drive, Suite 390
St. Paul, MN 55120
651/686-6633

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By: 
Robert J. Crawford
Reg. No. 32,122